

ORDINANCE NO. 458 OF THE CITY OF BUCKHANNON, AN ORDINANCE
AMENDING, IN PART, ORDINANCE NOS. 117 AND 126 OF THE CITY OF
BUCKHANNON, MODIFYING THE QUALIFICATIONS FOR MEMBERS OF THE
CITY'S WATER BOARD AND WASTE COLLECTION BOARD

WHEREAS, in Ordinance No. 126, the City of Buckhannon established its Water Board to administer the City's drinking water utility operations; and,

WHEREAS, in Ordinance No. 117, the City established its Waste Collection Board to administer the solid waste collection and disposal operations it offers to its customers within and outside of the municipal limits; and,

WHEREAS, pursuant to West Virginia Code §8-19-19 and §8-16-4, the City has wide latitude in setting the qualifications for members of those respective boards; and,

WHEREAS, upon due consideration, the Council of the City of Buckhannon has determined that it is in the best interest of those respective boards to modify the qualifications for membership on said boards, to provide for and allow the possibility of the appointment of board members who live outside of the municipal limits in certain cases; and,

WHEREAS, the Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia and further with the administrative rules and regulations of the Public Service Commission of West Virginia insofar as the establishment and administration of its several utility operations is concerned.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I – AMENDING ORDINANCE NO. 126: QUALIFICATIONS FOR MEMBERS OF THE BUCKHANNON WATER BOARD:

Ordinance No. 126 of the City of Buckhannon is amended to provide as follows:

- a) The Water Board of the City of Buckhannon shall consist of five (5) members. One of the members shall be, *ex officio*, the Mayor of the City of Buckhannon, who shall be Chairman or Chairwoman of the Board; two of the members shall be members of the Council City of Buckhannon, *ex officio*, designated by the Council; two of the members shall be residents of Upshur County, West Virginia, who reside within the direct retail service area of the City of Buckhannon Water Board. Members of the Water Board serving *ex officio* shall have all the privileges and powers of membership during their term or

terms, including the ability to vote on matters before the board. For purposes of clarity, the “direct retail service area” of the City of Buckhannon Water Board excludes the service area of any entity, association, company, or Public Service District which purchases water on a wholesale basis from the City of Buckhannon Water Board.

- b) The term of each member of the Water Board, excepting the Mayor, expires on June 30, annually, or at such time thereafter as their successors are named and qualified.
- c) All other terms and provisions of the said Ordinance No. 126 not expressly modified hereby remain in full force and effect.

ARTICLE II - AMENDING ORDINANCE NO. 117: QUALIFICATIONS FOR MEMBERS OF THE BUCKHANNON WASTE COLLECTION BOARD:

Ordinance No. 117 of the City of Buckhannon is amended to provide as follows:

- a) The Waste Removal Board of the City of Buckhannon shall consist of three (3) members. One of the members shall be, *ex officio*, the Mayor of the City of Buckhannon, who shall be Chairman or Chairwoman of the Board; two of the members shall be residents of Upshur County, West Virginia, who reside within service area of the City of Buckhannon Waste Collection Board. Members of the Water Board serving *ex officio* shall have all the privileges and powers of membership during their term or terms, including the ability to vote on matters before the board.
- b) The term of each member of the Water Board, excepting the Mayor, expires on June 30, annually, or at such time thereafter as their successors are named and qualified.
- c) All other terms and provisions of the said Ordinance No. 117 not expressly modified hereby remain in full force and effect.

ARTICLE III - SEVERABILITY: In the event that any provision(s) of this Ordinance is determined to be unconstitutional or invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the provisions thereof which are not specifically held to be unconstitutional or invalid other than that provision(s) which is specifically determined to be unconstitutional or invalid.

ARTICLE IV - EFFECTIVE DATE: This Ordinance shall be deemed effective immediately following thirty (30) days from the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., July 16, 2022.

FIRST READING:

June 2, 2022

SECOND READING, PASSAGE, AND ADOPTION: June 16, 2022



Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 458 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on June 16, 2022.



Randall H. Sanders, City Recorder